

**ASSEMBLY BILL**

**No. 229**

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**Introduced by Assembly Member Tran**

February 7, 2005

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An act to amend Section 4616.3 of the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 229, as introduced, Tran. Medical provider networks: notification of injury.

Existing workers' compensation law requires employers to secure the payment of workers' compensation, including medical treatment, for injuries incurred by their employees that arise out of, or in the course of, employment.

Existing law authorizes an insurer or employer to establish or modify a medical provider network for the provision of medical treatment to injured employees. Existing law requires an employer utilizing a network to arrange an initial medical evaluation and begin treatment when the injured employee either notifies the employer of the injury or the employee files a claim for workers' compensation with the employer.

This bill would instead require an employer utilizing a network to arrange an initial medical evaluation and begin treatment within one working day after an employee files a claim for workers' compensation with the employer.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 4616.3 of the Labor Code is amended to read:

4616.3. (a) ~~When the injured employee notifies the employer of the injury or~~ *Within one working day after an employee files a claim for workers' compensation with the employer, the employer shall arrange an initial medical evaluation and begin treatment as required by Section 4600.*

(b) The employer shall notify the employee of his or her right to be treated by a physician of his or her choice after the first visit from the medical provider network established pursuant to this article, and the method by which the list of participating providers may be accessed by the employee.

(c) If an injured employee disputes either the diagnosis or the treatment prescribed by the treating physician, the employee may seek the opinion of another physician in the medical provider network. If the injured employee disputes the diagnosis or treatment prescribed by the second physician, the employee may seek the opinion of a third physician in the medical provider network.

(d) (1) Selection by the injured employee of a treating physician and any subsequent physicians shall be based on the physician's specialty or recognized expertise in treating the particular injury or condition in question.

(2) Treatment by a specialist who is not a member of the medical provider network may be permitted on a case-by-case basis if the medical provider network does not contain a physician who can provide the approved treatment and the treatment is approved by the employer or the insurer.